

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEVIN LAWRENCE HENDRICKSON,

Petitioner,

v.

ALICE PAYNE,

Respondent..

Case No. C06-5331 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for Reconsideration [Dkt. #17].

Having considered the entirety of the records and file herein, the Court rules as follows:

Petitioner seeks reconsideration of this Court's Order Adopting Report and Recommendation [Dkt. #13]. The petitioner's motion is well-taken. The Report and Recommendation recommended that the petitioner be dismissed without prejudice. Due to an error, the Order entered dismissed the petition with prejudice. It is therefore

**ORDERED** that Petitioner's Motion for Reconsideration [Dkt. #17] is **GRANTED**. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 21<sup>st</sup> day of September, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE